

TOP 10 OBSCURE BANKRUPTCY RULES ALL LAWYERS SHOULD KNOW

1. Rule 2013. Public Record of Compensation Awarded to Trustees, Examiners and Professionals

Is your Trustee complaining that they don't make any money and therefore require your client to produce voluminous records? Find out what they made last year.

2. Rule 3001. Proof of Claim

List of requirements for filing a proof of claim

An unsecured creditor or equity security holder (in a Chapter 11) must file a proof of claim for a claim to be allowed.

Evidentiary effect of filing a proof of claim per Rule 3001(f)

3. Rule 3004. Filing of Claims by Debtor or Trustee

Allows debtor to file a proof of claim for a creditor. See webinar on how to do this and if it is filed late.

4. Rule 3012. Valuation of Security

Allows a motion not adversary proceeding to determine value of a claim.

5. Rule 4002. Debtor's Records at §341

4002(b) sets out what the debtor must provide at a 341

If no proof of SS# rule allows a written statement that such documentation doesn't exist.

If no paystubs rule allows written statement that the documents don't exist.

Bank records for the time period including the date of filing of the petition. Not 12 months of records.

6. Rule 4005. Burden of Proof in Objecting to Discharge

Here is where it is.

7. Rule 7016 and F. R. Civ. P. 16(f). Sanctions for failure to follow a pretrial order

Creditor's adversary is dismissed, you may be paid fees.

8. Rule 8002(a)(1). 14 days period to file a notice of appeal

Calendar your dates

9. Rule 9006. Computing and Extending Time

Particularly extending time – see excusable neglect.

10. Rule 9014. Contested matters

Discovery rules, portions of 7001 et seq. apply